

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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|----------------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| -vs- |) | Case No. <u>CR-14-306-M</u> |
| |) | |
| MICHAEL DEAN BILLINGS, |) | |
| |) | |
| Defendant. |) | |

**MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT’S
MOTION UNDER 28 U.S.C. § 2255 TO VACATE SET ASIDE OR CORRECT
SENTENCE BY PERSON IN FEDERAL CUSTODY (DOCS. 95, 96)**

COMES NOW the Plaintiff, United States of America, by Mark A. Yancey, United States Attorney for the Western District of Oklahoma, through David P. Petermann, Assistant United States Attorney, and requests this Court to grant Plaintiff an extension of an additional sixty (60) days within which to file its response herein to defendant’s Motion Under 28 U.S.C. § 2255 to Vacate Set Aside or Correct Sentence by Person in Federal Custody (Docs. 95, 96). Counsel for the Plaintiff would show the Court as follows:

1. The Plaintiff’s response is due Wednesday, January 10, 2018;
2. Plaintiff was on vacation from December 22, 2017 through January 3, 2018;
3. The Plaintiff respectfully requests an additional sixty (60) days to file its response because the Plaintiff will need additional time to secure an affidavit from

Defense counsel Danny White and fully respond to each of the Defendant's accusations; and

4. The Defendant is presently serving a 14 year sentence and will not be inconvenienced by this request.

WHEREFORE, Plaintiff respectfully moves this Court to grant Plaintiff an extension of an additional sixty (60) days from January 10, 2018, in which to file its response herein to defendant's Motion Under 28 U.S.C. § 2255 to Vacate Set Aside or Correct Sentence by Person in Federal Custody, (Docs. 95, 96).

Respectfully submitted,

MARK A. YANCEY
United States Attorney

s/DAVID P. PETERMANN
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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2018, I filed the attached document through the Court's ECF system and a copy was mailed via U.S. Mail to the following non-participating ECF registrant: **Michael Dean Billings, #29129-064**, FCI Seagoville, PO Box 9000, Seagoville, TX 75159.

s/DAVID P. PETERMANN
DAVID P. PETERMANN
Assistant U.S. Attorney